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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,715	07/25/2001	Michael L. Wenocur	A-70553/RMA	5191
7590 03/16/2005 FLEHR HOHBACH TEST ALBRITTON & HERBERT, LLP Suite 3400 Four Embarcadero Center San Francisco, CA 94111			EXAMINER NGUYEN, MINH DIEU T	
			ART UNIT 2137	PAPER NUMBER

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,715

Applicant(s)

WENOCUR ET AL.

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-4 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the digital certificate features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

The Related Applications section contains significant gaps in the record, as well as information in need of updating. The applicant must fill in all of the blanks, and must show which applications have which status.

Appropriate correction is required.

Information Disclosure Statement

4. The information disclosure statement filed 1/8/02 and 2/12/02 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. In both cases, the Abrash publication is missing from the file, and thus can not be considered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. The term "lower" in claims 1-3 is a relative term which renders the claim indefinite. The term "lower" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1 and 4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Furthermore, the claimed method lacks action verbs to implement the method.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (6,842,906) in view of Shambroom (5,923,756) in view of Geiger (6,463,534) and further in view of Kocher (6,532,540).

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As to the method of claims 1 and 4, the system of claim 2 and computer program product of claim 3, Bowman-Amuah discloses a system and method for interfacing a naming service and a client with the naming service allowing access to a plurality of different sets of services comprising an authorization procedure for authorizing any particular user the right to access a specific resource (col. 81, lines 6-43); a secure unidirectional messaging procedure using less software/firmware code and reduced network bandwidth than conventional unidirectional messaging procedures and a secure unidirectional response messaging procedure using less software/firmware code and reduced network bandwidth than conventional unidirectional messaging response procedures (col. 64, lines 58-67; col. 65, lines 1-31; col. 72, lines 58-63; col. 88, lines 39-67; col. 89, lines 1-67; col. 140, lines 57-67).

Bowman-Amuah does not disclose a security protocol implementation procedure for implementing two or more security protocols using a common set of data formats, algorithms, subroutines and procedures.

Shambroom discloses method for providing secure remote command execution over an insecure computer network comprising defining two cryptographic primitives; (i.e. secret key cryptography and cipher algorithm; and transport of the encrypted secret key using public key cryptography) and using only those two crypto primitives to construct plurality of separate security protocols (i.e. client 200 creates a session key, encrypts the session key using one of the crypto algorithms defined by server 300 in the certificate and the public key sent by the server, and sends the encrypted session key to the server. After receiving the encrypted session key, the server authenticates itself to

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client by decrypting the session key and returning to client a message encrypted with the underlying session key) (col. 7, lines 14-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of defining two cryptographic primitives and using only those two crypto primitives to construct plurality of separate security protocols in the system of Bowman-Amuah, as Shambroom teaches so as to enhancing the security of transmitted data.

Bowman-Amuah and Shambroom do not teach a secure session interaction procedure having reduced software/firmware computer code/instructions and reduced network bandwidth than conventional secure session interaction procedures and a secure response session interaction procedure having reduced software/firmware computer code/instructions and reduced network bandwidth than conventional secure response session interaction procedures.

Geiger discloses a hardware architecture, operating system (col. 4, line 60 – col. 5, line 40; col. 11, lines 10-40), and network transport neutral (col. 9, lines 20-30) method comprising secure transactions (i.e. secure session) (col. 1, line 5 – col. 2, line 5) in a wireless electronic commerce system between a client (Fig. 1, element 11) and an entity (Fig. 1, elements 16&17) using less software code and network bandwidth than conventional system (col. 7, lines 40-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of a secure session interaction procedure having reduced software/firmware computer code/instructions and reduced network bandwidth than

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conventional secure session interaction procedures and a secure response session interaction procedure having reduced software/firmware computer code/instructions and reduced network bandwidth than conventional secure response session interaction procedures in the system of Bowman-Amuah and Shambroom, as Geiger teaches so as to provide a secure and efficient communications system.

Bowman-Amuah, Shambroom and Geiger do not disclose a digital certificate procedure that enables at least encryption and digital signatures and a secure certificate issuing having lower storage and using less software/firmware code and bandwidth requirements than conventional digital certificates.

Kocher discloses apparatus and method for demonstrating and confirming the status of a digital certificate and other data comprising digital certificate procedure that enables at least encryption and digital signatures (col. 1, line 47 to col. 2, line 12) and a secure certificate issuing (Figs. 3 and 11) using less software/firmware code and bandwidth requirements (col. 3, lines 31-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of a digital certificate procedure that enables at least encryption and digital signatures and a secure certificate issuing having lower storage and using less software/firmware code and bandwidth requirements than conventional digital certificates in the system of Bowman-Amuah, Shambroom and Geiger, as Kocher teaches so as to provide a secure and efficient communications system.

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Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
3/11/05



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER